IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR.

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S.B. CIVIL WRIT PETITION NO.5912/2004

State of Rajasthan & Anr.

Versus

Ram Singh & Anr.

Date of Order :17.5.2005

**PRESENT**

**HON'BLE MR. JUSTICE R.P. VYAS**

Ms.Kusum Rao, for the petitioner
Mr.Ravindra Singh on behalf of Mr. P.R. Mehta, for the respondents

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By the instant petition, the petitioner seeks quashing of the impugned Award dated 3.11.2001 (Annex.-6) passed by the Judge, Labour Court, Udaipur, whereby the Labour Court awarded a sum of Rs.11,000/- as compensation to the respondent No.1-workman.

On reference, having been made, the respondent-workman filed a claim petition before the Labour Court, Udaipur, stating therein that he was appointed as Jaldhari on 16.7.1993 on the fixed

salary of Rs.75/- per month. His services stood terminated w.e.f. 31st October, 1997 by a verbal order in flagrant violation of the provisions of Industrial Disputes Act, 1947 (for short, 'the I.D. Act').

The Labour Court, after hearing the parties and appreciating the evidence, found the termination order as illegal and in flagrant violation of the mandatory provisions of Section 25-F of the I.D. Act, but instead of granting the relief of reinstatement with back-wages, the Labour Court awarded a sum of Rs. 11,000/- as compensation to the respondent-workman. Hence, this writ petition.

Heard learned counsel for the petitioner and perused the impugned order of the Tribunal.

Learned counsel of the petitioner submits that the controversy involved in the instant case is squarely covered by a decision of this Court in S.B. Civil Writ Petition No. 694/2003, District Education Officer (EE), Banswara V/s Bapu Lal & Ors., decided on 16.10.2003.

In view of the submissions of the learned counsel for the petitioner as well as the findings arrived at by the Tribunal that the respondent-workman has completed 240 days of service in a calendar year, therefore, the retrenchment of the services of the respondent-workman was in clear violation of Section 25-F of the I.D. Act. The learned Tribunal, instead of granting the relief of reinstatement, with back-wages, awarded a sum of Rs.11,000/- as compensation to the respondent-workman. The matter was disposed of by the Tribunal, while giving concrete and reasoned findings. Thus, the Tribunal has exercised its discretion judiciously by awarding compensation in lieu of reinstatement.

In view of the above admitted facts, I do not find any ground to interfere with the impugned Award dated 3.11.2001 (Annex.6) passed by the Tribunal.

Consequently, the writ petition lacks merit and is liable to be dismissed.

Accordingly, the writ petition is hereby dismissed in terms of the order passed in S.B. Civil Writ Petition No. 694/2003 (District Education Officer (EE), Banswara Vs. Bapu Lal & Ors.) decided on 16.10.2003. There shall be no orders as to costs.

(R.P.VYAS)J.

Rm/